

**Illinois Department of Revenue
Regulations**

Title 86 Part 330 Section 330.101 Nature of the Regional Transportation Authority Service Occupation Tax

TITLE 86: REVENUE

**PART 330
REGIONAL TRANSPORTATION AUTHORITY
SERVICE OCCUPATION TAX**

Section 330.101 Nature of the Regional Transportation Authority Service Occupation Tax

a) Authority to Impose Tax

The Board of Directors of the Regional Transportation Authority is authorized to impose tax on persons engaged in the business of making sales of service within the metropolitan region as defined in Section 1.03 of the Regional Transportation Authority Act. (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 701.03) The tax rate shall be 3/4% of the selling price of tangible personal property transferred as an incident to such sale of service within the County of Cook and 1/4% of the selling price of tangible personal property transferred as an incident to such sale of service within the Counties of DuPage, Kane, Lake, McHenry and Will. This tax imposed pursuant to this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Illinois Department of Revenue (Department).

b) Passing on the Tax

Servicemen are required to collect the Regional Transportation Authority Service Occupation Tax (Ill. Rev. Stat. 1989, ch. 111 2/3, par. 704.03), (when applicable), from purchasers of service in conformance with the requirements of the Service Occupation Tax Regulations (86 Ill. Adm. Code 140). The legal incidence of the Regional Transportation Authority Service Occupation Tax is on the serviceman. Nevertheless, the General Assembly has authorized persons subject to this tax to reimburse themselves for their serviceman's Regional Transportation Authority Service Occupation Tax liability by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which servicemen are authorized to collect under the Service Use Tax Act (Ill. Rev. Stat. 1989, ch. 120, pars. 439.31 et seq.), pursuant to such bracket schedules as the Department has prescribed. (See 86 Ill. Adm. Code 150.Table A)

c) Exclusion from "Cost Prices"

Any amount added by a serviceman to the selling price of tangible personal property sold to a serviceman for retransfer as an incident to service because of Regional Transportation Authority Service Occupation Tax, or because of the Illinois Service Occupation Tax (Ill. Rev. Stat. 1989, ch. 120, pars. 439.101 et seq.), and reimbursing amounts collected pursuant to Home Rule County Service Occupation Tax Act (Ill. Rev.

Stat. 1979 1989, ch. 34, par. 5-1007), Home Rule Municipal Service Occupation Tax Act (Ill. Rev. Stat. 1989, ch. 24, par. 8-11-5), and Non-Home Rule Municipal Service Occupation Tax Act (Ill. Rev. Stat. 1989, ch. 24, par. 8-11-1.4) and collected from the serviceman, shall not be regarded as a part of the selling prices which are subject to such Regional Transportation Authority Service Occupation Tax.

(Source: Amended at 15 Ill. Reg. 5822, effective April 5, 1991)